IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

THURSDAY, THE SIXTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE MR JUSTICE GOPALA KRISHNA TAMADA
WRIT PETITION NO : 6431 of 1995

Between:
Mrs.Lilly Peters W/o.T.Arjunan
Working under Mandal Parishad Development Officer,
Pichatur Mandal, Chittoor Dist.

.....
PETITIONER

AND

1. The Govt. of Andhra Pradesh,
   Rep.by its Principal Secretary,
   Education Deaprtment,
   Secretariat Buildings, Hyderabad
2. The Director of School Education,
   A.P., Hyderabad.
3. The District Educational Officer,
   Chittoor, Chittoor District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus by directing the respondents to pay the salaries during the gap period between 4/7/84 to 17/3/88 and further direct the respondents to pay the interest for the same to the petitioner.

For the Petitioner:MR.V.SREE RANGA RAO, Advocate.

For the Respondents : G.P.for School Education.

The Court made the following :

O R D E R:

In this Writ petition, the petitioner seeks a direction to the respondents to pay the salaries during the gap period of 04-07-1984 to 17-03-1988 and further to pay the interest for the same.

According to the petitioner, she was appointed as a teacher as early as on 19-07-1968 in S.A.L.C. School at Seshampet and the said school is having a permanent recognition. However, due to some factions, the school was closed with effect from 03-07-1984 and subsequently, the management of the said school was handed over to Mandal Praja Parishad of Pichatur in the year 1988 and thus, the petitioner was allowed to continue again as a teacher with effect from 17-03-1988.

The grievance of the petitioner is that the school was closed due to its administrative reasons, but for no fault of her, she was not paid the salaries for the period from 04-07-1984 to 17-03-1988 during which period, the school was closed.

On behalf of the respondents, a detailed counter has been filed contending inter alia that the School teacher-cum-Manager of the school in question and the petitioner who was a teacher working therein, are husband and wife and that due to their attitude, the public stopped their children from sending to the school. The said Manager also made a representation on 17.9.1984 for transfer of the management to the control of Panchayat Samithi along with the posts and teachers. In pursuance of the same, the Panchayat Samithi passed a resolution on 17.11.1984 to the effect that the Aided School shall

be taken over by the Panchayat Samithi Management along with posts and teachers and during the course of correspondence, the Government has accorded permission to transfer the ANM aided Elementary School, Seshampet, Pichatur Mandal to the control of Mandal Praja Parishad, Pichatur and the said orders came into effect from 17.3.1988. The 2nd respondent rejected the request of the petitioner for payment of salary for the break period, vide proceedings No: 295/B2-2/90, dated 18.6.1991, on the ground that the school did not function during that break period. Since the petitioner and her husband are solely responsible for closing of the school, the petitioner is not entitled for any salaries for the break period as per the term “no work – no pay’. Hence, the petition is liable to be dismissed.

Heard both the counsel.

It is true that the petitioner was appointed as a teacher on regular basis and she worked in S.A.L.C. School, Seshampet from 1968 to 04-07-1984, but however, due to closure of the school from 4-7-1984 to 17-3-1988, she could not work there. Again when the management of the school including the teachers was handed over to the Mandal Praja Parishad, Pichatur, the petitioner was allowed to continue as a teacher from 17-03-1988. Though there is some force in the contention of the learned counsel for the petitioner that the petitioner is entitled for payment of salary for the relevant period, at the handing over of the management of the school to the Mandal Praja Parishad, Pichatur, the Government has made it clear that the management as well as the teachers, who were transferred to Mandal Praja Parishad, are not entitled to

claim any compensation. In that regard, the Government issued G.O.Rt.No.196 dated 19-02-1988 which reads thus:

> In the circumstances reported in the letters read above, the Director of School Education, Hyderabad is permitted to transfer the Management of A.N.M., Aided Elementary School, Seshampet of Pichatur Mandal to the Control of Mandal Praja Parishad, Pichatur with all the posts and personnel with immediate effect and without payment of any compensation. The teachers should take the last rank in their respective categories under Pichatur Mandal. The Director of School Education is also requested to ensure, before transfer of the Management, that the Teacher-Manager gives in writing that he will transfer the building, and material free of cost to the Mandal Praja Parishad and without any further claim.

From this, it can safely be said that the Government as early as in the year 1988 itself at the time of transferring the management of the school, has made it clear that the teachers shall not seek any compensation. If really the grievance of the petitioner is that she has not been paid the salaries, she should have questioned the said G.O. at the appropriate time.

Having worked in the Mandal Praja Parishad School, at Pichatur from 1988 in pursuance of the said G.O. till her retirement and having failed to challenge the said G.O. at the relevant point of time, the petitioner has approached this court at a belated stage and therefore, I am of the opinion that there are no bonafides on the part of the petitioner in filing the present petition and as such, the same is liable to be dismissed.

Accordingly, this writ petition is dismissed. But, no order

as to costs.

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T.Gopala Krishna, J.

Dt: 16..09..2004.

Rns.

ASSISTANT REGISTRAR

To

1. The Principal Secretary,
   Govt. of Andhra Pradesh,
   Education Department,
   Secretariat Buildings, Hyderabad.
2. The Director of School Education,
   A.P., Hyderabad.
3. The District Educational Officer,
   Chittoor, Chittoor District.

4. Two CCs to Government Pleader for School Education, High Court of A.P., Hyderabad.(OUT),
5. Two CD copies.